

**CHARLES R. WOLFE**  
**ATTORNEY AT LAW**



April 1, 2010

1420 Fifth Avenue  
Suite 2200  
Seattle, WA 98101

Tim L. Nord, Manager  
Land and Aquatic Lands Cleanup Section  
Toxics Cleanup Program  
State of Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Phone: 206-274-5145  
Fax: 206-224-2880  
Email: [cwolfe@crwolfelaw.com](mailto:cwolfe@crwolfelaw.com)

Re: Response to Notice of Potential Liability, Old Bremerton Gasworks/Sesko

Dear Mr. Nord:

On behalf of Paul McConkey, we are responding to the above-referenced Notice, dated March 5, 2010 (postmarked March 8, received March 9).

Mr. McConkey confirms current ownership of Kitsap County Parcel Numbers 3711-000-001-0409 and 3711-000-001-0607 in the name of "McConkey, Paul and Margaret, Trustees".

Mr. McConkey has provided the attached list of entities that may be Potentially Liable Persons at the Site. These entities do not appear to have received your March 5 Notice. Mr. McConkey did not relist the entities that your Notice indicated had received parallel Notices.

This information is provided solely for the purpose of potential negotiation of an Agreed Order or Consent Decree with the Department of Ecology and does not constitute any admission of liability to the State of Washington or any third party on behalf of Paul McConkey or any related person or entity.

Thank you for your attention.

Very truly yours,

Charles R. Wolfe

cc: Mr. Paul McConkey



## **List of Possible Additional Potentially Liable Persons**

### **1. City of Bremerton**

- a. Chain of title report shows City owned the property for a short time when Gas plant was in operation
- b. Chain of title report states that the gas company granted to the city "...25 ft of said lots for the purpose of dumping refuse and garbage and building a road and mechanical system for the dumping of ashes from an incinerator to be constructed by the grantee on adjoining property with said easement is perpetual and runs with the land; providing further however that the grantor shall retain the perpetual right to dump ashes and cinders from its gas manufacturing plant on the said part of said lots."
- c. Chain of title shows City granted permit to dump ashes and coal gas sludge.
- d. City currently owns an easement running the width of the property for a storm drain.

### **2. Exxon/Mobil and Atlantic Richfield**

- a. Soil and ground water tests show petroleum contamination.
- b. There is substantial evidence that an underground fuel pipe runs from where a pier used to exist in front of the S.C. Fuels property across Sesko/McConkey properties ending at the former bulk facility on the other side of Thompson. This line transferred fuel from barges to all three tank farms and possibly leaked at one time.
- c. Both properties are upgradient to McConkey property suggesting that ground water contamination may have come from one or more of these tank farms. Ecology and Environment suggest this in the Phase II report.

### **3. Pacific Northwest Energy/ S.C. Fuels**

- a. A few monitoring wells on the west side of Pennsylvania suggest they must have had a spill or spills in the past.
- b. Pacific NW Energy rented Building 4 from McConkey for years to repair their truck fleet.

4. Lent and Blomberg Families

- a. Lents inc. operated a tank farm on the southern part of Sesko property for years.
- b. Chain of title report shows Blomberg retained the owner ship of pipeline running across the property.

5. Gene Lobe and Greg Stewart

- a. Owned former tank farm on Thompson.
- b. Dr. Lobe had soil samples taken that showed contamination and Greg Stewart let the property go to tax auction because he knew that the property was contaminated. Property is upgradient from McConkey property.

6. Lee Fabricators

- a. Operated a sandblasting and paint business in Building 5a.